



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
HARRISBURG, PENNSYLVANIA
17120

**Right-to-Know Law Office
Room 306, North Office Building
401 North Street
Harrisburg, PA 17120-0500
Fax: 717-214-9899**

Mailing Date: September 20, 2019

**Adrien Salzber
MuckRock News
DEPT MR 80438
411 A Highland Ave
Somerville, MA 02144-2516**

80438-46548703@requests.muckrock.com

RE: Right-to-Know Law Request No. 2019-361

Dear Mr. Salzber:

On September 16, 2019, the Department of State received your request for information pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101, et seq. (RTKL), wherein you requested: "any and all documents, emails, files, and other records and reports from May 21-23, 2019, concerning the 12th congressional district special election and any relevant complaints or problems."

Your request is denied because the Department of State has determined that it does not have the records that you request in its possession, under its custody or its control. Pursuant to the Office of Open Records Final Decision in *Jenkins vs. Pennsylvania Department of State*, OOR Dkt. AP 2009-065, it should be noted that: "It is not a denial of access when an agency does not possess records and there is no legal obligation to obtain them (see, e.g. Section 67.506(d)(1))." An agency is not required "to create which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record." 65 P.S. §67.705. The Department has no record of any complaints from the 12 congressional district, special election.

You have a right to appeal this response in writing to Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, PA 17126-0333. If you choose to file an appeal, you must do so within 15 business days of the mailing date of this response and send to the OOR:

- 1) this response;
- 2) your request; and
- 3) the reason why you think the agency is wrong in its response.

Also, the OOR has an appeal form available on the OOR website at:
<https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>

Respectfully,



Rebeca A. Fuhrman
Agency Open Records Officer
Department of State
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717-783-3585